

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:

Chapter 11

SERTA SIMMONS BEDDING, LLC, et al.,

Case No. 23-90020 (DRJ)

Debtors.

(Jointly Administered)

SERTA SIMMONS BEDDING, LLC, INVESCO
SENIOR SECURED MANAGEMENT, INC., CREDIT
SUISSE ASSET MANAGEMENT, LLC, BOSTON
MANAGEMENT AND RESEARCH, EATON
VANCE MANAGEMENT, AND BARINGS LLC.

Plaintiffs and Counterclaim Defendant.

Adversary Proc. No. 23-09001 (DRJ)

V.

AG CENTRE STREET PARTNERSHIP L.P., AG CREDIT SOLUTIONS NON-ECI MASTER FUND, L.P., AG SF MASTER (L), L.P., AG SUPER FUND MASTER, L.P., SILVER OAK CAPITAL, L.L.C., ASCRIBE III INVESTMENTS, LLC, COLUMBIA CENT CLO 21 LIMITED, COLUMBIA CENT CLO 27 LIMITED, COLUMBIA FLOATING RATE INCOME FUND, A SERIES OF COLUMBIA FUNDS SERIES TRUST II, COLUMBIA STRATEGIC INCOME FUND, A SERIES OF COLUMBIA FUNDS SERIES TRUST I, CONTRARIAN CAPITAL FUND I, L.P., CONTRARIAN CENTRE STREET PARTNERSHIP, L.P., CONTRARIAN DISTRESSED DEBT FUND, L.P., GAMUT CAPITAL SSB, LLC, LCM XXII LTD., LCM XXIII LTD., LCM XXIV LTD., LCM XXV LTD., LCM 26 LTD., LCM 27 LTD., LCM 28 LTD., NORTH STAR DEBT HOLDINGS, L.P., SHACKLETON 2013- III CLO, LTD., SHACKLETON 2013-IV-R CLO, LTD., SHACKLETON 2014-V-R CLO, LTD., SHACKLETON 2015-VII-R CLO, LTD., SHACKLETON 2017-XI CLO, LTD., Z CAPITAL CREDIT PARTNERS CLO 2018-1 LTD., AND Z CAPITAL CREDIT PARTNERS CLO 2019-1 LTD.,

Defendants and Counterclaim Plaintiffs,

v. :

AGF FLOATING RATE INCOME FUND, :

BRIGHTHOUSE FUNDS TRUST I - :

BRIGHTHOUSE/EATON VANCE FLOATING RATE :

PORTFOLIO, CALVERT MANAGEMENT SERIES - :

CALVERT FLOATING-RATE ADVANTAGE FUND, :

EATON VANCE CLO 2013-1 LTD., EATON VANCE :

CLO 2014-1R LTD., EATON VANCE CLO 2015-1 LTD., :

EATON VANCE CLO 2018-1 LTD., EATON VANCE :

CLO 2019-1 LTD., EATON VANCE LOAN HOLDING :

LIMITED, EATON VANCE FLOATING-RATE :

INCOME PLUS FUND, EATON VANCE FLOATING- :

RATE 2022 TARGET TERM TRUST, EATON VANCE :

SENIOR FLOATING-RATE TRUST, EATON VANCE :

FLOATING-RATE INCOME TRUST, EATON VANCE :

INTERNATIONAL (CAYMAN ISLANDS) FLOATING- :

RATE INCOME PORTFOLIO, EATON VANCE SENIOR :

INCOME TRUST, EATON VANCE SHORT DURATION :

DIVERSIFIED INCOME FUND, EATON VANCE :

INSTITUTIONAL SENIOR LOAN FUND, EATON :

VANCE INSTITUTIONAL SENIOR LOAN PLUS :

FUND, EATON VANCE LIMITED DURATION :

INCOME FUND, EATON VANCE FLOATING RATE :

PORTFOLIO, SENIOR DEBT PORTFOLIO, EATON :

VANCE VT FLOATING RATE INCOME FUND, :

BENTHAM SYNDICATED LOAN FUND, DAVINCI :

REINSURANCE LTD., RENAISSANCE INVESTMENT :

HOLDINGS LTD., CALIFORNIA STATE TEACHERS' :

RETIREMENT SYSTEM, DOLLAR SENIOR LOAN :

FUND, LTD., DOLLAR SENIOR LOAN MASTER :

FUND II, LTD., BA/CSCREDIT 1 LLC, PK-SSL :

INVESTMENT FUND LIMITED PARTNERSHIP, :

COPPERHILL LOAN FUND I, LLC, THE EATON :

CORPORATION MASTER RETIREMENT TRUST, :

ERIE INDEMNITY COMPANY, MADISON :

FLINTHOLM SENIOR LOAN FUND I DAC, PHILLIPS :

66 RETIREMENT PLAN TRUST, WIND RIVER FUND :

LLC, BLUE SHIELD OF CALIFORNIA, ERIE :

INSURANCE EXCHANGE, THE CITY OF NEW YORK :

GROUP TRUST, MARYLAND STATE RETIREMENT :

AND PENSION SYSTEM, CREDIT SUISSE FLOATING :

RATE TRUST, CREDIT SUISSE FLOATING RATE :

HIGH INCOME FUND, CREDIT SUISSE STRATEGIC :

INCOME FUND, COMMONWEALTH OF :

PENNSYLVANIA TREASURY DEPARTMENT, STATE :

OF NEW MEXICO STATE INVESTMENT COUNCIL, :

CREDIT SUISSE NOVA (LUX), KP FIXED INCOME :
 FUND, BENTHAM STRATEGIC LOAN FUND, :
 TELSTRA SUPERANNUATION SCHEME, WESPATH :
 FUNDS TRUST, INFLATION PROTECTION FUND-I :
 SERIES, MADISON PARK FUNDING X, LTD., :
 MADISON PARK FUNDING XI, LTD., MADISON :
 PARK FUNDING XII, LTD., MADISON PARK :
 FUNDING XIII, LTD., MADISON PARK FUNDING :
 XIV, LTD., MADISON PARK FUNDING XV, LTD., :
 MADISON PARK FUNDING XVI, LTD., MADISON :
 PARK FUNDING XVII, LTD., MADISON PARK :
 FUNDING XVIII, LTD., MADISON PARK FUNDING :
 XIX, LTD., MADISON PARK FUNDING XX, LTD., :
 MADISON PARK FUNDING XXI, LTD., MADISON :
 PARK FUNDING XXII, LTD., MADISON PARK :
 FUNDING XXIII, LTD., MADISON PARK FUNDING :
 XXIV, LTD., MADISON PARK FUNDING XXV, LTD., :
 MADISON PARK FUNDING XXVI, LTD., MADISON :
 PARK FUNDING XXVII, LTD., MADISON PARK :
 FUNDING XXVIII, LTD., MADISON PARK FUNDING :
 XXIX, LTD., MADISON PARK FUNDING XXX, LTD., :
 MADISON PARK FUNDING XXXI, LTD., MADISON :
 PARK FUNDING XXXII, LTD., MADISON PARK :
 FUNDING XXXIV, LTD., MADISON PARK FUNDING :
 XXXV, LTD., MADISON PARK FUNDING XXXVII, :
 LTD., MADISON PARK FUNDING XL, LTD., :
 MADISON PARK FUNDING XLI, LTD., MADISON :
 PARK FUNDING XLII, LTD., MADISON PARK :
 FUNDING XLIII, LTD., MADISON PARK FUNDING :
 XLIV, LTD., ONE ELEVEN FUNDING I, LTD., ONE :
 ELEVEN FUNDING II, LTD., BARINGS GLOBAL :
 LOAN LIMITED, BARINGS GLOBAL SPECIAL :
 SITUATIONS CREDIT 3 S.A.R.L., BARINGS GLOBAL :
 HIGH YIELD CREDIT STRATEGIES LIMITED, :
 BARINGS U.S. LOAN LIMITED, BARINGS CLO LTD. :
 2018-III, BARINGS CLO LTD. 2017-I, BARINGS CLO :
 LTD. 2019-II, BARINGS CLO LTD. 2016-I, BARINGS :
 CLO LTD. 2015-I, BARINGS CLO LTD. 2016-II, :
 BARINGS CLO LTD. 2018-I, BARINGS CLO LTD. :
 2015-II, BARINGS CLO LTD. 2013-I, BARINGS CLO :
 LTD. 2018-IV, BALOISE SENIOR SECURED LOAN :
 FUND, BAYVK R2-FONDS SEGMENT BAYVK R2 :
 BARINGS, CROWN MANAGED ACCOUNTS SPC - :
 CROWN/BA 2 SP, BABSON CLO LTD. 2014-I, G.A.S. :
 (CAYMAN) LIMITED, SERENGETI (LOAN FUND), A :
 SERIES TRUST OF THE MULTI STRATEGY :
 UMBRELLA FUND CAYMAN, BARINGS GLOBAL :

MULTI-CREDIT STRATEGY 1 LIMITED, BARINGS :
GLOBAL MULTI-CREDIT STRATEGY 2 LIMITED, :
BARINGS GLOBAL MULTI-CREDIT STRATEGY 3 :
LIMITED, BARINGS GLOBAL MULTI-CREDIT :
STRATEGY 4 LIMITED, BARINGS BDC SENIOR :
FUNDING I, LLC, BARINGS GLOBAL FLOATING :
RATE FUND, A SERIES OF BARINGS FUND TRUST, :
BARINGS SEGREGATED LOANS 3 S.A R.L, BARINGS :
BDC, INC., BARINGS GLOBAL LOAN AND HIGH :
YIELD BOND LIMITED, BARINGS GLOBAL CREDIT :
INCOME OPPORTUNITIES FUND, ARROWOOD :
INDEMNITY COMPANY, ARROWOOD INDEMNITY :
AS ADMINISTRATOR OF THE PENSION PLAN OF :
ARROWOOD INDEMNITY, JOCASSEE PARTNERS :
LLC, FIRST EAGLE BANK LOAN SELECT MASTER :
FUND, FIRST EAGLE SENIOR LOAN FUND (FSLF), :
KVK CLO 2013-1 LTD., KVK CLO 2016-1 LTD., KVK :
CLO 2018-1 LTD., RUSSELL ABSOLUTE RETURN :
FIXED INCOME FUND, RUSSELL FLOATING RATE :
FUND, RUSSELL GLOBAL UNCONSTRAINED BOND :
POOL, RUSSELL MULTI-ASSET CORE PLUS FUND, :
RUSSELL UNCONSTRAINED TOTAL RETURN :
FUND, STANIFORD STREET CLO LTD., STICHTING :
PENSIOENFONDS HOOGOVS, WIND RIVER 2012- :
1 CLO LTD., WIND RIVER 2013-1 CLO LTD., WIND :
RIVER 2013-2 CLO LTD., WIND RIVER 2014-1 CLO :
LTD., WIND RIVER 2014-2 CLO LTD., WIND RIVER :
2014-3 CLO LTD., WIND RIVER 2014-3K CLO LTD., :
WIND RIVER 2015-1 CLO LTD., WIND RIVER 2015-2 :
CLO LTD., WIND RIVER 2016-1 CLO LTD., WIND :
RIVER 2016-2 CLO LTD., WIND RIVER 2017-1 CLO :
LTD., WIND RIVER 2017-4 CLO LTD., WIND RIVER :
2018-3 CLO LTD., WIND RIVER 2019-3 CLO LTD., :
ANNISA CLO, LTD., BETONY CLO 2, LTD., BOC :
PENSION INVESTMENT FUND, CARBONE CLO, :
LTD., DIVERSIFIED CREDIT PORTFOLIO LTD., :
INVESCO BL FUND, LTD., INVESCO DYNAMIC :
CREDIT OPPORTUNITIES FUND, INVESCO :
FLOATING RATE FUND, INVESCO FLOATING RATE :
INCOME FUND, INVESCO GEMINI US LOAN FUND :
LLC, INVESCO OPPENHEIMER MASTER LOAN :
FUND, INVESCO OPPENHEIMER SENIOR FLOATING :
RATE FUND, INVESCO OPPENHEIMER SENIOR :
FLOATING RATE PLUS FUND, INVESCO SENIOR :
INCOME TRUST, INVESCO SENIOR LOAN FUND, :
INVESCO SSL FUND LLC, INVESCO ZODIAC FUNDS :
- INVESCO US SENIOR LOAN ESG FUND, INVESCO :

ZODIAC FUNDS - INVESCO US SENIOR LOAN :
 FUND, KAISER PERMANENTE GROUP TRUST, :
 KAPITALFORENINGEN INVESTIN PRO, US :
 LEVERAGED LOANS I, MILOS CLO, LTD., RECETTE :
 CLO, LTD., RISERVA CLO, LTD., SENTRY :
 INSURANCE COMPANY, UPLAND CLO, LTD., :
 HARBOURVIEW CLO VII-R, LTD., INVESCO :
 OPPENHEIMER FUNDAMENTAL ALTERNATIVES :
 FUND, OAKTREE OPPORTUNITIES FUND XB :
 HOLDINGS (DELAWARE), LP, OAKTREE OPPTS X :
 HOLDCO LTD., OAKTREE OPPORTUNITIES FUND X :
 HOLDINGS (DELAWARE) LP, DRYDEN XXV SENIOR :
 LOAN FUND, DRYDEN XXVI SENIOR LOAN FUND, :
 DRYDEN XXVIII SENIOR LOAN FUND, DRYDEN 30 :
 SENIOR LOAN FUND, DRYDEN 33 SENIOR LOAN :
 FUND, DRYDEN 36 SENIOR LOAN FUND, DRYDEN :
 37 SENIOR LOAN FUND, DRYDEN 38 SENIOR LOAN :
 FUND, DRYDEN 40 SENIOR LOAN FUND, DRYDEN :
 41 SENIOR LOAN FUND, DRYDEN 42 SENIOR LOAN :
 FUND, DRYDEN 43 SENIOR LOAN FUND, DRYDEN :
 45 SENIOR LOAN FUND, DRYDEN 47 SENIOR LOAN :
 FUND, DRYDEN 49 SENIOR LOAN FUND, DRYDEN :
 50 SENIOR LOAN FUND, DRYDEN 54 SENIOR LOAN :
 FUND, DRYDEN 53 CLO, LTD., DRYDEN 55 CLO, :
 LTD., DRYDEN 57 CLO, LTD., DRYDEN 58 CLO, :
 LTD., DRYDEN 60 CLO, LTD., DRYDEN 61 CLO, :
 LTD., DRYDEN 64 CLO, LTD., DRYDEN 65 CLO, :
 LTD., DRYDEN 70 CLO, LTD., DRYDEN 75 CLO, :
 LTD., NEWARK BSL CLO 1, LTD., NEWARK BSL :
 CLO 2, LTD., VENTURE XXV CLO, LIMITED, :
 VENTURE 31 CLO, LIMITED, VENTURE 32 CLO, :
 LIMITED, VENTURE 33 CLO, LIMITED, VENTURE 35 :
 CLO, LIMITED, VENTURE XVII CLO LIMITED, :
 VENTURE XXII CLO, LIMITED, VENTURE XXIX :
 CLO, LIMITED, VENTURE XXVII CLO, LIMITED, :
 VENTURE 28A CLO, LIMITED, VENTURE XII CLO, :
 LIMITED, VENTURE XIII CLO, LIMITED, VENTURE :
 XIV CLO, LIMITED, VENTURE XIX CLO, LIMITED, :
 VENTURE XV CLO, LIMITED, VENTURE XVI CLO, :
 LIMITED, VENTURE XVIII CLO, LIMITED, VENTURE :
 XX CLO, LIMITED, VENTURE XXI CLO, LIMITED, :
 VENTURE XXIII CLO, LIMITED, VENTURE XXIV :
 CLO, LIMITED, VENTURE XXVIII CLO, LIMITED, :
 VENTURE XXX CLO, LIMITED, BSG FUND :
 MANAGEMENT B.V., FIXED INCOME :
 OPPORTUNITIES NERO, LLC, BLACKROCK :
 LIMITED DURATION INCOME TRUST, BLACKROCK :

GLOBAL INVESTMENT SERIES: INCOME :
 STRATEGIES PORTFOLIO, BLACKROCK CREDIT :
 STRATEGIES INCOME FUND OF BLACKROCK :
 FUNDS V, BLACKROCK SENIOR FLOATING RATE :
 PORTFOLIO, BLACKROCK FLOATING RATE :
 INCOME STRATEGIES FUND, INC., BLACKROCK :
 MULTI-ASSET INCOME PORTFOLIO OF :
 BLACKROCK FUNDS II, BLACKROCK DEBT :
 STRATEGIES FUND, INC., BLACKROCK FLOATING :
 RATE INCOME TRUST, JPMBI RE BLACKROCK :
 BANKLOAN FUND, BLACKROCK FLOATING RATE :
 INCOME PORTFOLIO OF BLACKROCK FUNDS V, :
 ABR REINSURANCE LTD., NC GARNET FUND, LP, :
 MAGNETITE XC, LIMITED, MAGNETITE XV, :
 LIMITED, MAGNETITE XIV-R, LIMITED, :
 MAGNETITE XVI, LIMITED, MAGNETITE VIII, :
 LIMITED, MAGNETITE XVIII, LIMITED, :
 MAGNETITE XIX, LIMITED, MAGNETITE XX, :
 LIMITED, MAGNETITE XVII, LIMITED, MAGNETITE :
 VII, LIMITED, MAGNETITE XII, LIMITED, NUVEEN :
 DIVERSIFIED DIVIDEND AND INCOME FUND, :
 NUVEEN FLOATING RATE INCOME FUND, NUVEEN :
 FLOATING RATE INCOME OPPORTUNITY FUND, :
 NUVEEN SENIOR INCOME FUND, NUVEEN SHORT :
 DURATION CREDIT OPPORTUNITIES FUND, :
 NUVEEN SYMPHONY FLOATING RATE INCOME :
 FUND, PRINCIPAL FUNDS, INC - DIVERSIFIED REAL :
 ASSET FUND, SYMPHONY CLO XX LTD., :
 SYMPHONY CLO XVII, LTD., SYMPHONY CLO XIX :
 LTD., SYMPHONY CLO XVII, LTD., SYMPHONY CLO :
 XV, LTD., SYMPHONY CLO XIV, LTD., SYMPHONY :
 CLO XVI, LTD., TCI-SYMPHONY 2017-1 LTD., TCI- :
 SYMPHONY 2016-1 LTD., SYMPHONY FLOATING :
 RATE SENIOR LOAN FUND, SCOF-2 LTD., BAYCITY :
 ALTERNATIVE INVESTMENT FUNDS SICAV-SIF - :
 BAYCITY US SENIOR LOAN FUND, BAYCITY :
 SENIOR LOAN MASTER FUND LTD., :
 PENSIONDANMARK :
 PENSIONFORSIKRINGSAKTIESELSKAB, MENARD, :
 INC., MUNICIPAL EMPLOYEES ANNUITY & :
 BENEFIT FUND OF CHICAGO, PRINCIPAL :
 DIVERSIFIED REAL ASSET CIT, CALIFORNIA :
 STREET CLO IX LIMITED PARTNERSHIP, :
 CALIFORNIA STREET CLO XII, LTD., TAO FUND, :
 LLC, MP CLO III LTD., MP CLO IV LTD., MP CLO VII :
 LTD., MP CLO VIII LTD., MARBLE POINT CLO X :
 LTD., MARBLE POINT CLO XI LTD., MARBLE POINT :

CLO XII LTD., MPLF FUNDING LTD., MPSFR	:
FINANCING 1 LTD., MARATHON CLO V LTD.,	:
MARATHON CLO VII LTD., MARATHON CLO VIII	:
LTD., MARATHON CLO IX LTD., MARATHON CLO X:	:
LTD., MARATHON CLO XI LTD., BOWERY	:
FUNDING ULC, WOODBINE FUNDING ULC,	:
ELEVATION CLO 2013-1, LTD., ELEVATION CLO	:
2014-2, LTD., ELEVATION CLO 2015-4, LTD.,	:
ELEVATION CLO 2016-5, LTD., ELEVATION CLO	:
2017-6, LTD., ELEVATION CLO 2017-7, LTD.,	:
ELEVATION CLO 2017-8 LTD., ELEVATION CLO	:
2018-9, LTD., ELEVATION CLO 2018-10, LTD., and	:
PEAKS CLO 3, LTD.,	:
	:
Counterclaim Defendants.	:

**EXCLUDED LENDERS APPELLANTS' STATEMENT OF THE ISSUES AND
DESIGNATION OF THE RECORD ON APPEAL**

Pursuant to Rule 8009(a) of the Federal Rules of Bankruptcy Procedure, AG Centre Street Partnership L.P., AG Credit Solutions Non-ECI Master Fund, L.P., AG Super Fund Master, L.P., AG SF Master (L), L.P., Silver Oak Capital, L.L.C., Ascribe III Investments, LLC, Columbia Cent CLO 21 Limited, Columbia Cent CLO 27 Limited, Columbia Floating Rate Fund, a series of Columbia Funds Series Trust II, Columbia Strategic Income Fund, a series of Columbia Funds Series Trust I, Contrarian Capital Fund I, L.P., Contrarian Distressed Debt Fund, L.P., Contrarian Centre Street Partnership, L.P., Gamut Capital SSB, LLC, North Star Debt Holdings, L.P., Shackleton 2013-III CLO, Ltd., Shackleton 2013-IV-R CLO, Ltd., Shackleton 2014-V-R CLO, Ltd., Shackleton 2015-VII-R CLO, Ltd., Shackleton 2017-XI CLO, Ltd., Z Capital Credit Partners CLO 2018-1 Ltd., and Z Capital Credit Partners CLO 2019-1 Ltd. (collectively, the “Excluded Lenders”), by and through their undersigned counsel, respectfully submit the following statement of issues to be presented on appeal and designation of items for inclusion in the record on appeal

in connection with the Excluded Lenders Appellants' appeal from the Order on the Adversary Proceeding issued on June 14, 2023. [Adversary Proceeding 328, Bankruptcy Docket 1070¹].

Statement of the Issues on Appeal

1. Did the Bankruptcy Court err in holding that the term “open market purchase” as used in the parties’ credit agreement was unambiguous?

2. Assuming *arguendo* that the Bankruptcy Court correctly held that the phrase “open market purchase” is unambiguous, did the Bankruptcy Court err in holding that the Exchange Transaction that is the subject of the instant adversary proceeding constituted an open market purchase as defined by the parties’ credit agreement?

Designation of the Record on Appeal

The Excluded Lenders Appellants designate each of the docket sheets and the following documents from the proceedings indicated in each of the tables below for inclusion in the record on appeal. The following designations of pleadings and matters of record include all exhibits attached or referred to in the designated items.

**SERTA SIMMONS BEDDING, LLC, INVESCO SENIOR SECURED
MANAGEMENT, INC., CREDIT SUISSE ASSET MANAGEMENT, LLC, BOSTON
MANAGEMENT AND RESEARCH, EATON VANCE MANAGEMENT, and
BARINGS LLC,**

v.

**AG CENTRE STREET PARTNERSHIP L.P., AG CREDIT SOLUTIONS NON-ECI
MASTER FUND, L.P., AG SF MASTER (L), L.P., AG SUPER FUND MASTER, L.P.,
SILVER OAK CAPITAL, L.L.C., ASCRIBE III INVESTMENTS, LLC, COLUMBIA
CENT CLO 21 LIMITED, COLUMBIA CENT CLO 27 LIMITED, COLUMBIA
FLOATING RATE INCOME FUND, A SERIES OF COLUMBIA FUNDS SERIES
TRUST II, COLUMBIA STRATEGIC INCOME FUND, A SERIES OF COLUMBIA**

¹ The Order on the Adversary Proceeding was entered on both the docket for the Adversary Proceeding and the main bankruptcy docket. For the sake of completion, the Excluded Lenders appeal from both orders.

FUNDS SERIES TRUST I, CONTRARIAN CAPITAL FUND I, L.P., CONTRARIAN CENTRE STREET PARTNERSHIP, L.P., CONTRARIAN DISTRESSED DEBT FUND, L.P., GAMUT CAPITAL SSB, LLC, LCM XXII LTD., LCM XXIII LTD., LCM XXIV LTD., LCM XXV LTD., LCM 26 LTD., LCM 27 LTD., LCM 28 LTD., NORTH STAR DEBT HOLDINGS, L.P., SHACKLETON 2013- III CLO, LTD., SHACKLETON 2013-IV-R CLO, LTD., SHACKLETON 2014-V-R CLO, LTD., SHACKLETON 2015-VII-R CLO, LTD., SHACKLETON 2017-XI CLO, LTD., Z CAPITAL CREDIT PARTNERS CLO 2018-1 LTD., AND Z CAPITAL CREDIT PARTNERS CLO 2019-1 LTD.,
Adversary Case No. 23-09001

Docket Date	Docket No.	Description
1/24/2023	1	Adversary Complaint
1/24/2023	15	Notice of Scheduling Conference Scheduled for January 27, 2023 at 3:30 P.M. (Central Time)
1/26/2023	18	Status Report
1/28/2023	19	Courtroom Minutes from hearing held January 24, 2023
1/28/2023	20	Notice of Continued Scheduling Conference on February 1, 2023 at 12:00 p.m. (Central Time)
1/31/2023	21	Transcript regarding Motion to Extend the Stay held on January 27, 2023 before Judge David R. Jones
2/1/2023	25	Notice of Filing of Official Transcript
2/1/2023	26	Notice of Filing of Further Revised Proposed Order (I) Scheduling Certain Hearing Dates and Deadlines, (II) Establishing Certain Protocols in Connection with Such Hearings, and (III) Granting Related Relief
2/1/2023	27	[Ad Hoc Group of First Lien Lenders' Proposed] Order (I) Scheduling Certain Hearing Dates and Deadlines, (II) Establishing Certain Protocols in Connection with Such Hearings, and (III) Granting Related Relief
2/1/2023	28	Notice of Filing Redline of the [Ad Hoc Group of First Lien Lenders' Proposed] Order (I) Scheduling Certain Hearing Dates and Deadlines, (II) Establishing Certain Protocols in Connection with Such Hearings, and (III) Granting Related Relief
2/1/2023	29	Notice of Filing Redline of the [Ad Hoc Group of First Lien Lenders' Proposed] Order (I) Scheduling Certain Hearing Dates and Deadlines, (II) Establishing Certain Protocols in Connection with Such Hearings, and (III) Granting Related Relief
2/2/2023	32	Order (I) Scheduling Certain Hearing Dates and Deadlines, (II) Establishing Certain Protocols in Connection with Such Hearings, and (III) Granting Related Relief

2/14/2023	38	Amended Adversary Complaint
2/24/2023	67	Stipulated Protective Order
2/24/2023	68	Answering Defendants' Answer to the Amended Adversary Complaint, Counterclaims and Third-Party Claims
2/24/2023	69	Serta Simmons Bedding, LLC's Motion for Summary Judgment
2/24/2023	70	Serta Simmons Bedding, LLC's Statement of Uncontroverted Facts in Support of Their Motion for Summary Judgment
2/24/2023	71	Motion for Entry of an Order Authorizing Serta Simmons Bedding, LLC to File Confidential Documents Under Seal
2/24/2023	72	Sealed Documents/Exhibits Nos. 1, 2, 3, 4, 5, 6, 8, 10, 25, 26, 27 filed Under Sealed in Connection with Serta Simmons Bedding, LLC's Statement of Uncontroverted Facts in Support of Their Motion for Summary Judgment
2/24/2023	73	Lenders Plaintiffs' Motion for Summary Judgment
3/3/2023	74	Stipulated Protective Order
3/6/2023	76	Stipulation between and Among the Debtors, the PTL Lenders, the DJ Adversary Proceeding Defendants, the Stay Adversary Defendants, and the Committee Governing Participation of the Committee in the Adversary Proceedings
3/15/2023	77	Lender Plaintiffs' Amended Motion for Summary Judgment
3/16/2023	78	Emergency Motion for Entry of an Order Authorizing the LCM Defendants to File Confidential Documents Under Seal
3/16/2023	79	SEALED LCM Defendants' Memorandum of Law in Opposition to Plaintiffs' Motion for Summary Judgment
3/16/2023	80	Redacted LCM Defendants' Memorandum of Law in Opposition to Plaintiffs' Motion for Summary Judgment
3/16/2023	81	Declaration of Neil Lieberman in Support of the LCM Defendants' Opposition to Summary Judgment with Exhibits #3, 6, 21, 22
3/16/2023	82	Declaration of Neil Lieberman in Support of the LCM Defendants' Opposition to Summary Judgment with SEALED Exhibits
3/16/2023	83	Declaration of Farboud Tavangar in Support of the LCM Defendants' Opposition to Summary Judgment
3/16/2023	84	Declaration of Professor Vincent Buccola in Support of the LCM Defendants' Opposition to Summary Judgment
3/16/2023	85	Serta Simmons Bedding, LLC's Response to Answering Defendants' Counterclaims
3/16/2023	87	SEALED Excluded Lenders' Memorandum of Law in Opposition to Plaintiffs' Motion for Partial Summary Judgment
3/16/2023	89	Expert Declaration of Sarah M. Ward
3/16/2023	90	Excluded Lenders' Counterstatement of Controverted Facts in Opposition to Plaintiffs' Motion for Partial Summary Judgment

3/17/2023	91	Exhibits to the Excluded Lenders' Memorandum of Law in Opposition to Plaintiffs' Motion for Partial Summary Judgment
3/17/2023	92	Declaration of Anne E. Beaumont
3/17/2023	98	SEALED Declaration of Michael Hanigan
3/17/2023	99	SEALED Declaration of Erik Kreutzer
3/17/2023	100	SEALED Declaration of Theodore Kwon
3/17/2023	101	SEALED Declaration of Ryan Mollett
3/17/2023	102	SEALED Declaration of Marti P. Murray
3/17/2023	103	SEALED Declaration of Daniel Ryan
3/17/2023	104	Motion for Entry of an Order Authorizing the Excluded Lenders to File Under Seal Portions of Their Memorandum of Law in Opposition to Plaintiffs' Motions for Partial Summary Judgment and Certain Exhibits Thereto
3/17/2023	105	Order Granting Motion for Entry of Order Authorizing the Excluded Lenders to File Under Seal Portions of Their Memorandum of Law in Opposition to Plaintiffs' Motions for Partial Summary Judgment and Certain Exhibits Thereto
3/17/2023	106	Order Authorizing LCM Defendants to File Confidential Documents Under Seal
3/24/2023	110	Serta Simmons Bedding, LLC's Reply Memorandum of Law in Further Support of Its Motion for Summary Judgment
3/24/2023	111	SEALED Serta Simmons Bedding, LLC's Reply Memorandum of Law in Further Support of Its Motion for Summary Judgment
3/24/2023	112	Serta Simmons Bedding, LLC's Response to the Drop Down Group Defendants' Additional Material Facts Included in the Counterstatement of Controverted Facts
3/24/2023	113	Motion for Entry of an Order Authorizing Serta Simmons Bedding, LLC to File Confidential Documents Under Seal
3/24/2023	114	Reply Memorandum in Further Support of Lenders Plaintiffs' Motion for Summary Judgment filed by Invesco Senior Secured Management, Inc., Boston Management and Research, Credit Suisse Asset Management, LLC, Easton Vance Management, and Barings, LLC
3/27/2023	116	Emergency Motion Challenging Assertion of Privilege
3/27/2023	118	Amended Agenda of Matters Set for Hearing on March 28, 2023 at 9:00 A.M. (Central Time)
3/28/2023		Courtroom Minutes for hearing held on March 28, 2023 before Judge David R. Jones
3/28/2023		Transcript Order Form (regarding hearing held 3/28/2023)
3/28/2023	123	PDF with audio file of hearing on 3/28/2023

3/31/2023	133	Transcript for Summary Judgment Hearing held on 3/28/2023
4/6/2023	141	Order on Summary Judgment
4/6/2023	142	Order on Summary Judgment
4/7/2023	144	Joint Notice of Appeal (by LCM defendants)
4/7/2023	145	Joint Notice of Appeal (by Excluded Lender defendants)
4/7/2023	146	LCM Defendants' Answer to the Amended Adversary Complaint and Counterclaims
4/7/2023	148	Excluded Lenders' Answer to the Amended Adversary Complaint and Counterclaims
4/21/2023	179	Notice of Fed R. Bankr. P. 7007.1 Corporate Disclosure Statement of Boston Management and Research and Eaton Vance Management
4/21/2023	180	Serta Simmons Bedding, LLC's Response to Answering Defendants' Amended Counterclaims
04/28/2023	191	Answer to LCM <i>Defendants'</i> Counterclaim Filed by c/o Bruce J. Ruzinsk PTL Lender Group
04/28/2023	192	Serta Simmons Bedding, LLC's Response to LCM Defendants' Counterclaims. Filed by Serta Simmons Bedding LLC et al.
05/01/2023	197	Emergency Motion Plaintiffs' Emergency Motion to Compel Production from Defendants
05/04/2023	205	Excluded Lenders' Opposition to Plaintiffs' Emergency Motion to Compel Production from Defendants
05/09/2023	221	Plaintiffs' Emergency Motion to Exclude the Testimony of Sarah M. Ward
05/11/2023	224	Order Granting Plaintiffs' Emergency Motion to Exclude the Testimony of Sarah M. Ward
05/11/2023	225	Transcript RE: Motion Hearing (Via Zoom) held on May 4, 2023 before Judge David R. Jones
05/11/2023	226	Excluded Lenders' Memorandum of Law in Opposition to Plaintiffs' Emergency Motion to Exclude the Expert Testimony of Sarah M. Ward.
05/14/2023	240	Excluded Lenders' Pre-Trial Memorandum of Law
05/14/2023	241	SEALED Excluded Lenders' Pre-Trial Memorandum of Law
05/14/2023	242	SEALED Serta Simmons Bedding, LLC's Pre-Trial Memorandum of Law
05/14/2023	244	SEALED PTL Lenders' Pretrial Brief
05/14/2023	245	SEALED LCM Defendants' Pre-Trial Brief
05/16/2023	263	Transcript RE: Confirmation Day One - Morning Session
05/18/2023	273	Transcript RE: Confirmation Day One -- Afternoon Session

05/19/2023	277	Transcript RE: Confirmation Day Two -- Afternoon Session
05/20/2023	282	Transcript RE: Confirmation Day Three - Morning Session (Via Zoom)
05/20/2023	283	Transcript RE: Confirmation Day Three - Afternoon Session (Via Zoom)
05/21/2023	285	Transcript RE: Confirmation Day Four - Morning Session (Via Zoom)
05/21/2023	286	Transcript RE: Confirmation Day Four - Afternoon Session (Via Zoom)
05/23/2023	291	LCM Defendants' Post-Trial Brief
05/23/2023	292	SEALED LCM Defendants' Post-Trial Brief
05/23/2023	296	Excluded Lenders' Proposed Findings of Fact and Conclusions of Law
05/23/2023	297	SEALED Excluded Lenders' Proposed Findings of Fact and Conclusions of Law
05/23/2023	299	Excluded Lenders' Post-Trial Brief
05/23/2023	300	SEALED Excluded Lenders' Post-Trial Brief
05/23/2023	302	Serta Simmons' Proposed Findings of Fact and Conclusions of Law
05/30/2023	318	Transcript RE: Confirmation Closing Arguments
06/06/2023	324	Memorandum Opinion
06/09/2023	325	Notice of Filing of Final Post-Trial Judgment
06/14/2023	328	Final Judgment
06/20/2023	330	LCM Defendants' Joint Notice of Appeal
06/21/2023	331	Excluded Lenders' Joint Notice of Appeal

In re Serta Simmons Bedding, LLC, et al., Case No. 23-90020		
Docket Date	Docket No.	Description
06/06/2023	1045	Memorandum Opinion
06/07/2023	1050	Citadel's Emergency Motion to Stay Order Confirming Debtors' Second Amended Joint Plan Pending Appeal
06/09/2023	1055	Filing of Findings of Fact, Conclusions of Law, and Order Confirming Second Amended Joint Chapter 11 Plan of Serta Simmons Bedding, LLC and Its Affiliated Debtors
06/09/2023	1056	Serta Simmons' Final Post-Trial Judgment

06/14/2023	1070	Final Judgment
06/14/2023	1071	Findings of Fact, Conclusions of Law, and Order Confirming Second Amended Joint Chapter 11 Plan of Serta Simmons Bedding, LLC and its Affiliated Debtors
06/15/2023	1084	Citadel's Motion to Extend Stay of Effective Date of Confirmation Order
06/16/2023	1091	Excluded Lenders' (I) Emergency Motion to Stay and (II) Joinder to Citadel Equity Fund Ltd's Motion to Extend Stay of Effective Date of Confirmation Order
06/19/2023	1102	Debtors' Opposition to Motion to Stay the Confirmation Order Pending Appeal
06/20/2023	1103	PTL Lenders' Memorandum of Law in Opposition to the Motions to Stay Confirmation Pending Appeal and Motion to Extend Stay of Effective Date of Confirmation Order
06/20/2023	1104	LCM Defendants' Joinder in Citadel's Motion to Stay
06/20/2023	1107	The Official Committee of Unsecured Creditors' Omnibus Objection and Joinder to the Debtors' Objection to the Emergency Motions of Citadel Equity Fund Ltd. And the Excluded Lenders for (I) A Stay Pending Appeal; and (II) Extension of the Stay of the Effective Date
06/21/2023	1108	Citadel's Reply in Support of its Emergency Motion to Stay Order Confirming Debtors' 2nd Amended Joint Chapter 11 Plan
06/21/2023	1115	Excluded Lenders' Joint Notice of Appeal
06/21/2023	1124	Order Denying (A) Objectors Stay Motions, (B) LCM Lenders Joinder in (I) Excluded Lenders Emergency Motion to Stay the Confirmation Order and (II) Citadel Equity Fund Ltd.s Motion to Extend Stay of Effective Date of Confirmation Order, and Joinders Thereto, Denying Motion to Extend Time, Denying Emergency Motion
06/21/2023	1121	Courtroom Minutes
07/02/2023	1160	Transcript RE: Motions Hearing held on June 21, 2023

SERTA SIMMONS BEDDING, LLC, INVESCO SENIOR SECURED MANAGEMENT, INC., CREDIT SUISSE ASSET MANAGEMENT, LLC, BOSTON MANAGEMENT AND RESEARCH, EATON VANCE MANAGEMENT, and BARINGS LLC,

v.

AG CENTRE STREET PARTNERSHIP L.P., AG CREDIT SOLUTIONS NON-ECI MASTER FUND, L.P., AG SF MASTER (L), L.P., AG SUPER FUND MASTER, L.P., SILVER OAK CAPITAL, L.L.C., ASCRIBE III INVESTMENTS, LLC, COLUMBIA CENT CLO 21 LIMITED, COLUMBIA CENT CLO 27 LIMITED, COLUMBIA FLOATING RATE INCOME FUND, A SERIES OF COLUMBIA FUNDS SERIES TRUST II, COLUMBIA STRATEGIC INCOME FUND, A SERIES OF COLUMBIA FUNDS SERIES TRUST I, CONTRARIAN CAPITAL FUND I, L.P., CONTRARIAN CENTRE STREET PARTNERSHIP, L.P., CONTRARIAN DISTRESSED DEBT FUND, L.P., GAMUT CAPITAL SSB, LLC, NORTH STAR DEBT HOLDINGS, L.P., SHACKLETON 2013- III CLO, LTD., SHACKLETON 2013-IV-R CLO, LTD., SHACKLETON 2014-V-R CLO, LTD., SHACKLETON 2015-VII-R CLO, LTD., SHACKLETON 2017-XI CLO, LTD., Z CAPITAL CREDIT PARTNERS CLO 2018-1 LTD., AND Z CAPITAL CREDIT PARTNERS CLO 2019-1 LTD., LCM XIII L.P., LCM XIV L.P., LCM XV L.P., LCM XVI L.P., LCM XVII L.P., LCM XVIII L.P., LCM XIX L.P., LCM XX L.P., LCM XXI L.P., LCM XXII LTD., LCM XXIII LTD., LCM XXIV LTD., LCM XXV LTD., LCM 26 LTD., LCM 27 LTD. and LCM 28 LTD.,

Adversary Case No. 23-03007

Docket Date	Docket No.	Description
1/24/2023	1	Adversary Complaint
1/24/2023	2	Declaration of Harvey Tepner in Support of Debtors' Emergency Motion for an Order (I) Declaring the Automatic Stay Applies to Certain Non-Debtor Parties or Alternatively Extending the Automatic Stay to Certain Non-Debtor Parties and (II) Preliminary Enjoining Such Prepetition Action
1/24/2023	3	Debtors' Emergency Motion for an Order (I) Declaring that the Automatic Stay Applies to Certain Non-Debtor Parties or Alternatively Extending the Automatic Stay in Certain Non-Debtor Parties and (II) Preliminary Enjoining the Prepetition Action
1/27/2023	32	Courtroom Minutes for hearing held January 27, 2023 before Judge David R. Jones
1/28/2023	35	Notice of Continued Scheduling Conference on February 1, 2023 at 12:00 p.m.
1/31/2023	49	Transcript regarding Motion to Extend the Stay held on January 27, 2023 before Judge David R. Jones

1/31/2023	50	LCM Lenders' Unopposed Emergency Motion to Intervene
2/1/2023	53	Order Granting LCM Lenders' Unopposed Emergency Motion to Intervene
2/2/2023	66	Order Temporarily Staying or Enjoining Certain Prepetition Actions
2/2/2023	67	Order (I) Scheduling Certain Hearing Dates and Deadlines, (II) Establishing Certain Protocols in Connection with Such Hearings, and (III) Granting Related Relief
2/2/2023	68	Transcript regarding Motion Hearing held on February 1, 2023 before Judge David R. Jones
2/3/2023	69	Notice of Filing of Official Transcript
2/13/2023	77	Fed. R. Bankr. P. 7001 Corporate Disclosure Statement of the LCM Lender Defendants
2/15/2023	84	PTL Lenders' Unopposed Emergency Motion to Intervene
2/24/2023	97	The Ad Hoc Group of First Lien Lenders' Objection to Debtors' Emergency Motion for an Order (A) Declaring that the Automatic Stay Applies to Certain Non-Debtor Parties or Alternatively Extending the Automatic Stay to Certain Non-Debtor Parties and (B) Preliminarily Enjoining the Prepetition Action
2/24/2023	98	LCM Lenders' (1) Objection to Debtors' Emergency Motion for an Order (A) Declaring that the Automatic Stay Applies to Certain Non-Debtor Parties or Alternatively Extending the Automatic Stay to Certain Non-Debtor Parties and (B) Preliminarily Enjoining the Prepetition Action, and (2) Joinder in Ad Hoc Group's Objection
2/24/2023	99	Declaration of Neil Lieberman Support of LCM Lenders' Objection to Debtors' Request for Injunctive Relief
2/27/2023	100	Order Granting PTL Lenders' Unopposed Emergency Motion to Intervene
3/6/2023	103	Stipulation Between and Among the Debtors, the PTL Lenders, the DJ Adversary Proceeding Defendants, the Stay Adversary Defendants, and the Committee Governing Participation of the Committee in the Adversary Proceedings
3/6/2023	104	Debtors' Omnibus Reply to Objections to Debtors' Emergency Motion for an Order (I) Declaring that the Automatic Stay Applies to Certain Non-Debtor Parties or Alternatively Extending the Automatic Stay to

		Certain Non-Debtor Parties and (II) Preliminarily Enjoining the Prepetition Action
3/6/2023	105	PTL Lender Intervenors' Reply in Further Support of Debtors' Emergency Motion for an Order (I) Declaring that the Automatic Stay Applies to Certain Non-Debtor Parties or Alternatively Extending the Automatic Stay to Certain Non-Debtor Parties and (II) Preliminarily Enjoining the Prepetition Action
3/9/2023	107	LCM Lenders' Witness and Exhibit List for Hearing on March 13, 2023
3/9/2023	108	Debtors' Witness and Exhibit List for Hearing on March 13, 2023
3/9/2023	109	PTL Lender Group's Witness and Exhibit List for Hearing on March 13, 2023 at 2:00 P.M. (Central Time)
3/9/2023	110	The Ad Hoc Group of First Lien Lenders' Witness and Exhibit List for Hearing on March 13, 2023
3/10/2023	111	Agenda of Matters Set for Hearing on March 13, 2023 at 2:00 P.M. (Central Time)
3/13/2023	115	Courtroom Minutes for hearing held March 13, 2023 before Judge David R. Jones
3/15/2023	118	Transcript regarding Status Conference held on March 13, 2023 before Judge David R. Jones
3/16/2023	119	Notice of Filing of Official Transcript
3/20/2023	124	Order (I) Extending the Automatic Stay in Certain Non-Debtor Parties and (II) Enjoining the Prepetition Actions

Dated: July 5, 2023
Houston, Texas

Respectfully submitted,

PORTER HEDGES LLP

/s/ John F. Higgins

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CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing was served by electronic delivery on all persons and entities receiving ECF notice in this adversary proceeding on July 5, 2023.

/s/ M. Shane Johnson
M. Shane Johnson